

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

John S. Stritzinger,

PLAINTIFF

v.

State of Delaware; Peter Feliciangel, *Assistant
Prosecutor – Medical Issues*,

DEFENDANTS

Case No. 3:15-mc-286-TLW

Order

Plaintiff John S. Stritzinger, proceeding *pro se*, filed this action under 42 U.S.C. § 1983, asking the Court to strike proceedings in a Delaware Court and to file this case under seal. (ECF No. 1.) Plaintiff also requested leave to proceed *in forma pauperis*. (ECF No. 2.) The matter now comes before the Court for review of the Report and Recommendation (“R&R”) filed on September 21, 2015 by Magistrate Judge Gossett, to whom this case was assigned. In the R&R, the magistrate judge denies the motion to seal, recommends that the motion to strike be denied, and recommends that the request to proceed *in forma pauperis* should be denied or terminated as moot. Plaintiff filed objections to the R&R on September 29, 2015. (ECF No. 16.) This matter is now ripe for decision.

In reviewing the R&R, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a de novo determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case the Court

is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Hous. Auth. of City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992) (citations omitted).

In light of the standard set forth in *Wallace*, the Court has reviewed, *de novo*, the R&R and the objections. After careful review of the R&R and the objections, for the reasons stated by the magistrate judge, the R&R is **ACCEPTED**. Plaintiff's objections are **OVERRULED**. Plaintiff's motion to strike is hereby **DENIED** and Plaintiff's request to proceed *in forma pauperis* is **TERMINATED AS MOOT**.

Additionally, after the R&R was filed, Plaintiff filed a document captioned "Notice of Requested Record and Motion for Order to Release Record; Motion for Emergency Proceedings" (ECF No. 15), and additionally filed a document captioned "Claim of Federal Immunity under the U.S. Constitution, Motion to Consolidate, Motion to Transfer, First Amended Answer to U.S. Magistrate's Order, Motion to Compel, Motion for the U.S. Magistrate to Reconsider, Brief on the Merits, and Objections to the Report of U.S. Magistrate" (ECF No. 17). Having carefully considered these filings, both are **DENIED** as being without sufficient legal merit. *See United States v. Patel*, 879 F.2d 292, 295 (7th Cir. 1989) ("When issues patently lack merit, the reviewing court is not obliged to devote scarce judicial resources to a written discussion of them.").

IT IS SO ORDERED.

s/ Terry L. Wooten

Terry L. Wooten
Chief United States District Judge

October 13, 2015
Columbia, South Carolina